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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
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v.)
)
JULIO CESAR CHAMERRY RIZO and)
)
MARIA DEL ROSARIO ALACANTARA)
)
SOTELO,)
)
Defendants.)

No. CR 13-0240 SI

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On September 11, 2013, the parties in this case appeared before the Court for a status conference. Defense counsel for defendant Julio Cesar Chamerry Rizo informed the Court of his intention to file a motion to suppress the search warrant executed during the investigation of this case. The parties set forth a briefing schedule in which defense counsel is to file a motion to suppress by or on October 4, 2013, the government is to file its response within two weeks thereafter, by or on October 18, 2013, and defense counsel is to file any further reply by or on October 25, 2013. As a result, the Court set the matter to November 8, 2013, for a hearing on the motion to suppress.

STIPULATION & [PROPOSED] ORDER EXCLUDING TIME
CR 13-0240 SI

1 The parties agreed to exclude the period of time prior to the filing of the motions,
2 between September 11, 2013, and October 4, 2013, from any time limits applicable under 18
3 U.S.C. § 3161. The parties represented that granting an exclusion would allow the reasonable
4 time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Granting
5 an exclusion of time will also be appropriate once the parties have filed their motions and such
6 motions are pending before the Court. *See* 18 U.S.C. § 3161(h)(1)(D). The parties also agreed
7 that the ends of justice served by granting such an exclusion of time outweigh the best interests
8 of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the
9 Court made findings consistent with this agreement.

10 With regard to defendant Maria del Rosario Alacantara Sotelo, her defense counsel
11 represented that she will not be joining in the motion to suppress. However, government counsel
12 and defense counsel agreed to hold her case in abeyance pending resolution of defendant
13 Chamerry Rizo's motion to suppress. The parties agreed to exclude the period of time between
14 September 11, 2013, and November 8, 2013, from any time limits applicable under 18 U.S.C.
15 § 3161. The parties represented that granting an exclusion would allow the reasonable time
16 necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties
17 also agreed that the ends of justice served by granting such an exclusion of time outweigh the

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1 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At
2 the hearing, the Court made findings consistent with this agreement.

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4 SO STIPULATED:

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6 MELINDA HAAG
United States Attorney

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8 DATED: September 11, 2013

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_____/s/
JANAKI GANDHI
Special Assistant United States Attorney

11 DATED: September 11, 2013

_____/s/
HARRIS TABACK
Attorney for Defendant Julio Cesar Chamerry Rizo

14 DATED: September 11, 2013

_____/s/
STEVE TEICH
Attorney for Defendant Maria del Rosario Alacantara
Sotelo

[PROPOSED] ORDER

For the reasons stated above and at the September 11, 2013, hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from September 11, 2013, to November 8, 2013, is warranted for both defendants, and that the ends of justice served by the continuance outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 9/17/13



THE HONORABLE SUSAN ILLSTON
United States District Judge